

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSHUA HILLS, et al.,

Plaintiff(s),

v.

MICHAEL J GENTRY, et al.,

Defendant(s).

NO. 3:19-cv-05634-RBL

STIPULATED MOTION TO CONTINUE
TRIAL DATE AND EXTEND CASE
DEADLINES

For good cause shown and with the judge's consent, the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(5). The "good cause" standard primarily considers the diligence of the party seeking the amendment: the district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (citing Fed. R. Civ. P. 16 advisory committee's notes (1983 amendment)). Although the existence or degree of prejudice to the opposing party might supply additional considerations for a motion to modify, the focus remains on the moving party's reasons for seeking modification. *See also Johnson*, 975 F.2d at 609 (internal citation omitted).

The parties respectfully move to alter the case schedule in this matter. The new proposed schedule pushes all pending discovery deadlines back approximately four months (120 days). The

1 parties further request a trial date after April 5, 2021, to accommodate counsel's schedules. The
2 parties do not seek to alter or extend any case schedule deadlines that have already passed.

3 The parties have been diligent and discovery in this case has proceeded, with significant
4 document production, and written discovery. However, the City of Forks has a significant number of
5 documents yet to be produced (estimated at this time to be in the thousands), which are time-
6 consuming to review. The City of Forks is the custodian for the vast majority of responsive records
7 pertaining to Defendant Michael Gentry.

8 This continuance is being requested due to a delay in discovery production as a function of
9 the volume of responsive documents being sought by Plaintiff. Plaintiff issued his first discovery
10 requests to Defendant City of Forks on November 11, 2019. The parties have worked amicably to
11 enter a protective order and discuss the delay in document production. To date, Defendant City of
12 Forks is still in the process of reviewing the documents that are to be produced to Plaintiff and have
13 yet to produce a significant number of documents anticipated to be in excess of 5,000 pages. These
14 documents need to be produced under the protective order and, because it has taken three additional
15 months beyond the due date to identify them and review them, it is reasonable to expect Plaintiff will
16 need additional time to review them as well. Thus, the parties agree that this document production
17 delay was reasonable and not the fault of any party, but it has caused a four-month delay to discovery.
18 Therefore, the parties request a four-month trial continuance.

19 The parties respectfully request the Court modify the scheduling order (Dkt. 23) as follows:

- | | | |
|----|---|--------------------------|
| 20 | • Disclosure of expert testimony under FRCP 26(a)(2) | October 2, 2020 |
| 21 | • All motions related to discovery must be filed by | November 13, 2020 |
| 22 | • Discovery completed by | December 3, 2020 |
| 23 | • All dispositive motions filed by and noted on motion
calendar no later than the fourth Friday thereafter | December 31, 2020 |

- Settlement conference per LCR 39.1(c)(2) held no later than January **22**, 2021
- Mediation per LCR 39.1(c)(3) held no later than February **26**, 2021
- Letter of compliance as to LCR 39.1 filed by March 10, 2021
- Motions in limine must be filed by February 26, 2021
- Agreed pretrial order due March **12**, 2021
- Pretrial conference: March **19**, 2021
- Trial briefs, proposed voir dire, jury instructions March 16, 2021

IT IS SO STIPULATED this 28th day of February 2020.

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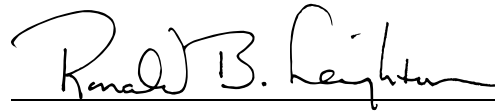
I. ORDER

THIS MATTER having come on regularly for hearing upon the stipulation of the parties above contained, and the Court being fully advised in the premises, now, therefore, it is hereby

ORDERED that the current trial date of November 30, 2020 is continued to **April 12, 2021**.

All related case deadlines shall be reset.

DATED this 4th day of March, 2020.



Ronald B. Leighton
United States District Judge

Presented by:

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